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Defendants Mark Attinger, Daniel Henry, Joan M.  
Herman, Bruce A. Mina, Mark Newcomer, Daniel  
Spence, Dennis Triplett, and Quinn Williams*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JOHN K. GRAY, derivatively on behalf of  
PAYSIGN, INC.,

Plaintiff,

v.

MARK ATTINGER, DANIEL HENRY, JOAN  
M. HERMAN, BRUCE A. MINA, MARK  
NEWCOMER, DANIEL SPENCE, DENNIS  
TRIPLETT, and QUINN WILLIAMS,

Defendants,

and

PAYSIGN, INC., a Nevada corporation,

Nominal Defendant.

Case No.: 2:22-cv-00735-GMN-VCF

*Assigned to the Hon. Gloria M. Navarro*

**STIPULATION AND [PROPOSED]  
ORDER TO STAY PROCEEDINGS  
AND SET BRIEFING SCHEDULE  
REGARDING VERIFIED  
STOCKHOLDER DERIVATIVE  
COMPLAINT [ECF NO. 1]**

**(First Request)**

Pursuant to LR IA 6-1, LR IA 6-2, and LR 7-1, Plaintiff John K. Gray (“Plaintiff”) and Nominal Defendant Paysign, Inc. and Individual Defendants Mark Attinger, Daniel Henry, Joan M. Herman, Bruce A. Mina, Mark Newcomer, Daniel Spence, Dennis Triplett, and Quinn Williams (collectively, “Defendants”), by and through their respective counsel, hereby stipulate to stay the above-captioned proceedings and to set a briefing schedule regarding Plaintiff’s Verified Stockholder Derivative Complaint (ECF No. 1). This is the parties’ first request to stay these proceedings or to otherwise extend the deadline for any responses to Plaintiff’s Verified

1 Stockholder Derivative Complaint. The parties' stipulate and agree as follows:

2 WHEREAS, on May 9, 2022, Plaintiff filed the Verified Stockholder Derivative  
3 Complaint (the "Complaint") in the above-captioned action;

4 WHEREAS, two related federal securities fraud class actions captioned *Yilan Shi v.*  
5 *Paysign, Inc, et al.*, No. 2:20-cv-00553-GMN-DJA, and *Lorna Chase v. Paysign, Inc., et al.*, No.  
6 2:20-cv-00585-JAD-VCF (collectively, the "Securities Actions") are pending before the Hon.  
7 Gloria M. Navarro in the U.S. District Court for the District of Nevada;

8 WHEREAS, the Securities Actions arise from similar facts and also name as defendants  
9 three Defendants in this action;

10 WHEREAS, on September 17, 2020, a derivative action entitled *Andrzej Toczek v.*  
11 *Paysign, Inc., et al.*, No. 2:20-cv-01722-JCM-NJK (the "*Toczek* Action") was filed and is  
12 pending before the Hon. James C. Mahan in the U.S. District Court for the District of Nevada;

13 WHEREAS, the *Toczek* Action also arises from similar facts and names as defendants the  
14 Defendants in this action;

15 WHEREAS, on December 2, 2020, the Court in the Securities Actions consolidated the  
16 Securities Actions as *In Re Paysign, Inc. Securities Litigation*, No. 2:20-cv-00553-GMN-DJ (the  
17 "Consolidated Securities Action");

18 WHEREAS, on December 16, 2020, the Court in the *Toczek* Action approved a  
19 stipulation staying the action until the Court in the Consolidated Securities Action issues a ruling  
20 on a motion to dismiss;

21 WHEREAS, on January 12, 2021, the plaintiffs in the Consolidated Securities Action  
22 filed an Amended Complaint;

23 WHEREAS, on March 15, 2021, the defendants in the Consolidated Securities Action  
24 filed a Motion to Dismiss the Amended Complaint, which is fully briefed and pending before the  
25 Court;

26 WHEREAS, Plaintiff and Defendants agree that the Court's ruling on the Motion to  
27 Dismiss in the Consolidated Securities Action will inform proceedings in this action;

1. Defendants accept service of the Complaint.

3. Defendants shall have until forty-five (45) days after service of the Court's ruling on the Motion to Dismiss in the Consolidated Securities Action or the stay is lifted pursuant to paragraph 7 herein to file their response(s) to the Complaint.

5. Defendants shall have until thirty (30) days after the filing of Plaintiff's opposition(s) to file any replies in support of their response(s).

7. In the event the Other Potential Derivative Actions are not stayed until resolution of the Motion to Dismiss in the Consolidated Securities Action, Plaintiff is entitled to elect to terminate this stay. In the event that Plaintiff is entitled to and elects to terminate this stay, he must provide fourteen (14) days' advance notice to Defendants' undersigned counsel via email before the stay is lifted.

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9. Subject to Plaintiff having a right to discovery, Defendants shall promptly provide Plaintiff with access to any documents produced by Defendants, any written discovery served by Defendants, and any deposition transcripts in either the Consolidated Securities Action, subject to the execution of a stipulated reasonable confidentiality protective order to be drafted and executed at that time.

10. Defendants shall promptly provide Plaintiff with access to any documents produced by Defendants to any Paysign shareholder who made a books and records demand if and once that Paysign shareholder files a related derivative action, subject to the execution of a stipulated reasonable confidentiality protective order to be drafted and executed at that time.

11. Plaintiff may amend the Complaint during the stay. Defendants shall have no obligation to respond to any amended complaint until the stay is lifted.

**IT IS SO STIPULATED.**

Dated: June 2, 2022

Dated: June 2, 2022

By: /s/ Christopher R. Miltenberger  
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*Attorneys for Plaintiff John K. Gray*

**IT IS SO ORDERED:**



**UNITED STATES MAGISTRATE JUDGE**

Dated: 6-3-2022